

## **REMARKS/ARGUMENTS**

Claims 1-19, inclusive, remain in this application. While no Claims have been allowed, there is indication by the Examiner of allowable subject matter recited in dependent Claims 3-6 and 14 if rewritten in independent form. Applicant acknowledges the Examiner's indication of allowable subject matter in these dependent Claims, but forgoes rewriting them in independent form at this time in lieu of the foregoing amendments made to independent Claims 1 and 11 and in view of the remarks made below regarding their patentability over the prior art references applied in this case. As evidenced in the foregoing Listing of Claims, dependent Claims 2 and 13 have also been specifically amended to overcome "indefiniteness" rejections made in the initial Office Action and independent Claim 19 further amended similarly to Claims 1 and 11 to distinguish it as well over the applied prior art.

The Specification has been objected to in two instances, first for the length of its Abstract of the Disclosure and second, for a typographical error found on page 12, line 6 with respect to the numerical reference to the "keyway opening". Applicant has amended the Specification in response to these objections, reducing the word count of the Abstract to comply with 37 C.F.R. 1.72(b) and correcting the erred numerical reference to the keyway opening in the corresponding paragraph [0030] of the Detailed Description of the Invention. The Examiner's objections should now be removed.

Claims 2-6 and 13-14 stand initially rejected under 35 U.S.C. 112, second paragraph, as being indefinite, particularly as to the respective recitations in Claim 2, line 6 and Claim 13, line 4 describing the location of the recessed section on the panel member used to engage the spring-loaded press means. Applicant acknowledges the comments of the Examiner with respect to the terms "rearwardly" and "interior side", as recited initially in respective Claims 2 and 13, and

therefore, has amended both of these Claims with supplemental recitations, both supported by the Specification, to clarify and more particularly point out the direction and location of the recessed section on the panel member. Accordingly, the initial §112 rejection of Claims 2-6 and 13-14 is now respectfully denied in view of the foregoing amendment and this "indefiniteness" rejection should be removed based upon the present response.

Claims 1 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gage (US 751,159). This rejection is now respectfully denied especially in view of the foregoing amendment.

Insofar as pertinent, Gage teaches a grating implement comprising a pair of lever members (11 and 12) pivotally connected by a central pin (13) and interengaged by a spring member (17) to provide reciprocal action between the levers when squeezed together upon respective handles (15 and 16) of the levers. Opposite to the respective handles, one of the levers engages a grating plate (29) while the other lever holds a barrel member (19) open at one end and fitted with a spring (23) designed to urge food placed into the barrel toward the open end thereof and onto the grating plate. Squeezing of the handles moves the grating plate back-and-forth across the open end of the barrel and thus serves to grate the food placed therein.

Applicant, on the other hand, discloses and now more particularly claims an improved hand-held food processor for performing selective cutting operations upon a foodstuff, the Applicant's food processor including an elongated housing member, a spring-loaded lever arm pivotally coupled to the housing member and a processing plate containing a cutting panel that is adapted to engage the lever and slide in a reciprocating fashion across the bottom of the housing member when the lever arm is pivoted relative to the housing. The housing member is chambered and further formed having an upper grip-like handle section, a lower expanded

processing section, and an open forward compartment for holding the foodstuff that is adjacent to the processing section and separated therefrom by a slotted panel member. In noticeable contradistinction to Gage, the present food processor further comprises a spring-loaded press head that is releasably engaged to the housing member through the slotted panel thereof and slidably disposed for travel through the open compartment of the housing. In the present invention, the press head is releasably engaged in a locked position above the open compartment to allow foodstuff to be loaded for processing and slidably disposed through the compartment when disengaged to force the foodstuff through and onto the cutting panel of the processing plate. This key feature of the releasable engagement of the spring-loaded press head and its actuated travel from a locked position atop the open compartment to the bottom of the compartment is clearly described and disclosed throughout the Applicant's Specification, highlighted particularly in paragraph [0034] of the published application appearing on pages 15 and 16 of the Specification.

Utilization of this described feature of a releasable spring-driven press mechanism that is adapted to be locked in a position above the open food-storing compartment prior to its release, a feature neither taught nor even suggested in the Gage reference, improves the food-loading capabilities of the food processor and facilitates its handling and manipulation by the user. Gage fails to disclose any such releasable press head that may be locked in place to allow loading of the food prior to its processing. Gage rather shows and describes a removable barrel compartment containing a spring-loaded press that requires removal from the levered members in order to load food into the barrel and the replacement of the loaded barrel for grating operation of the device, all the time against the constant urging of the spring.

Independent Claims 1 and 19 have been amended and now more particularly recite the novel structural and functional features of the “spring-loaded press means”, particularly its releasable engagement in a locked position above the open compartment and slidable disposition therethrough upon disengagement. This characteristic feature, that allows the foodstuff intended for processing to be more easily placed into the open compartment beneath the locked position of the press head in advance of its processing, is not found in the Gage reference but only first described by the Applicant in this case.

Accordingly, it is respectfully submitted that Claims 1 and 19, as amended, are patentably distinguishable over Gage, being neither anticipated by nor obvious in view of the applied reference. In view of this amendment, therefore, the prior art rejection of Claims 1 and 19 based on the Gage reference should be removed.

Claims 1-2, 7-13, and 15-19 further stand rejected under 35 U.S.C. 103(a) as being unpatentable over Romano (US 6,409,107) in view of Welke (US 774,217). The rejection of these Claims as obvious in view of these applied references is now respectfully denied, especially in view of the foregoing amendment.

Insofar as pertinent, Romano discloses a hand-held food processor including a handle-like housing having an open receptacle (22) for receipt of foodstuff and a pusher member (24) pivotally connected and formed to fit into the receptacle so that it acts as a press means when squeezed together by hand. A processing plate member (26) mounted across the base of the receptacle is made to move in a reciprocating fashion by means of a spring-loaded actuating lever (28) pivotally mounted to the receptacle so that foodstuff pressed through the receptacle is grated, shredded or sliced by the reciprocating plate member. As the Examiner aptly points out, however, the Romano "press means is not spring-loaded". Welke, therefore, as a secondary

reference is cited and applied as related teaching of a grating device with a spring-like press (E and G) that is extended through a slot in its receptacle (D) and allowed to slide therethrough so that it may automatically press the foodstuff placed therein for grating upon a moving plate (B).

While Romano and Welke appear to be related prior art devices, both involving hand-held devices with mechanically-assisted means for grating food, their proposed combination in this case by the Examiner is deemed improper because of the structural differences in their respective grating implementations, particularly because of the noticeably different angular orientations of the grating plate movements in each device translated by the squeezing actions applied by the user. In the primary reference of Romano, the squeezing action of the hand causes the plate member to move back and forth in a plane that is normal to the direction of the applied squeezing force as well as to the direction of the foodstuff that is urged by the same squeezing action. By way of contrast, in the secondary reference of Welke, the reciprocating movement of the grating plate that is forced by the squeezing action of the user is essentially in the same plane as the applied squeezing force. While each of the respective food chambers is set to feed the foodstuff normally upon the cutting plates in both of these references, the Romano device is clearly intended to rely upon the force of the user's hand applied through its pusher member to feed the foodstuff through its receptacle and onto the reciprocating cutting plate using the same squeezing action of hand that is used to cause the plate to reciprocate. As a result, the Romano structure does not afford of, nor suggest the need for a spring-assisted press such as the one described in Welke. The Romano reference simply teaches away from such a spring-loaded press mechanism as is found in Welke, and accordingly the combination of these prior art references made by the Examiner is considered improper.

Assuming, for the sake of argument, that it might be appropriate to combine the distinct teachings of Romano and Welke, as posed by the Examiner, the only teaching that appears "obvious" is the addition of a spring-assisted press to help force foodstuff through the open receptacle of the Romano device, incorporating perhaps a slot in the receptacle as taught in Welke. It would not be obvious, however, to further provide a spring-loaded press mechanism characterized by the structural features described and shown in the present application, particularly that of a spring-loaded press head releasably engaged in a locked position above an open compartment and slidably disposed through the compartment upon disengagement to selectively urge the foodstuff through the compartment and onto a reciprocating cutting plate for processing. There is simply no teaching or suggestion of any sort of releasable engagement of a spring-assisted press in either of the applied references, alone or in combination. It is this characteristic feature of the present food processor, first disclosed by the Applicant in this case, that facilitates the loading of the foodstuff intended for processing, allowing the foodstuff to be more easily placed into the open compartment beneath the locked position of the press head in advance of its processing.

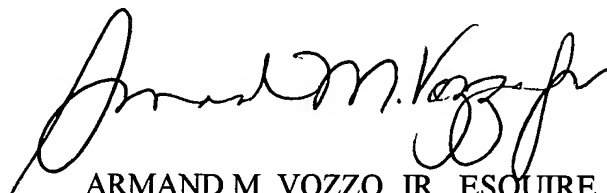
Independent Claims 1, 11 and 19 each has been amended to more particularly recite the novel structural and functional features of the "spring-loaded press means", particularly its releasable engagement in a locked position above the open compartment and slidable disposition therethrough upon disengagement, features neither taught nor suggested in the combined prior art references applied in this case. Accordingly, it is respectfully submitted that Claims 1, 11 and 19 are patentable over Romano in view of Welke. Furthermore, Claims 2 and 7-10, which depend from Claim 1, and Claims 12, 13 and 15-18, which depend from Claim 11, are likewise patentably distinguishable over the applied combination of references, each of these dependent

Claims reciting a further feature and particular limitation of the respective base claim. It is therefore respectfully requested that the standing §103(a) rejection of Claims 1-2, 7-13, and 15-19 under 35 based upon Romano in view of Welke be removed.

The Applicant has considered the other references made of record and the claims, as now amended, are deemed patentable over those references.

In view of these remarks, therefore, it is submitted that all grounds for the rejections have been removed by the foregoing amendment, and that the claims, as now amended, are in condition for allowance. A prompt reconsideration and timely allowance of the application with amended claims are therefore earnestly solicited.

Respectfully submitted,



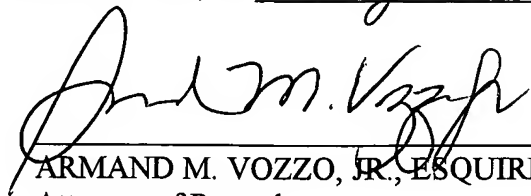
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Date: 7-9-05



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